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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,043	06/15/2001	Guenther Jokschas	178/50052	5173
23911 7590 12/03/2003				
CROWELL & MORING LLP				
INTELLECTUAL PROPERTY GROUP				
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EXAMINER				
OCAMPO, MARIANNE S				
ART UNIT		PAPER NUMBER		
1723				

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/881,043

Applicant(s)

JOKSCHAS ET AL.

Examiner

Marianne S. Ocampo

Art Unit

1723

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1, 8 and 9.

Claim(s) objected to: _____.

Claim(s) rejected: 10.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: ATTACHMENT to ADVISORY ACTION

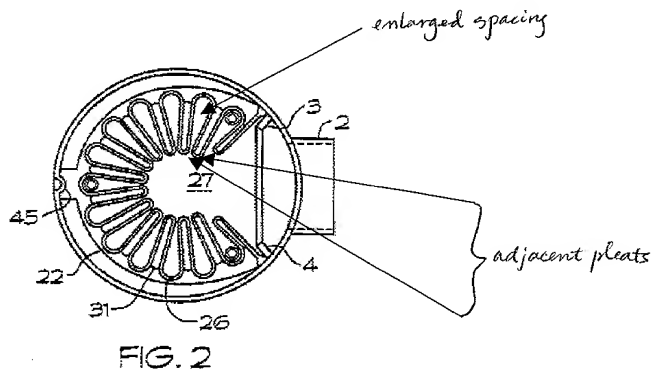
ATTACHMENT to ADVISORY ACTION

1. The proposed amendment after final filed on 11-7-03, in particular the addition of new claim 13 will not be entered, because it does not place the application in better form for appeal by materially reducing or simplifying the issues for appeal or make the application in good condition for allowance.

2. Applicants' arguments filed 11- 7-03 have been fully considered but they are not persuasive. The examiner does not agree with the applicants' contention that the prior art, Nurse (US 5,593,584) which is used in the rejection of the base claim 10 in the final office action, fails to teach all the limitations of the base claim 10. Applicants' have argued that Nurse has failed to teach the filter medium to be a pleated filter sheet. What the examiner has considered to be the "filter medium" is the sinuous shaped (zig-zag shaped) sheet/strip or dam (indicated as 26) which *prevents larger sized/heavy particles* from overflowing into the other side of the strip. Although it may be true that the dam/sinuous strip (26) is impermeable (non-porous), however, this is considered immaterial, since filter media are generally available in various forms including those which are porous and non-porous. There is no recitation or teaching either in the claims nor the original disclosure that the filter medium of the claimed invention has to be (i.e. must be) porous. The fact that the pleated/sinuous shaped strip (26) is used to separate one type of matter, in this

instance, solid larger-sized or heavy particles from another (i.e. the fluid) that contains the solid larger-sized or heavy particles.

3. Regarding the second argument that Nurse also failed to disclose/teach a pocket of the pleated filter medium being formed by an enlarged spacing between two adjacent pleats. Using the same figure 2 that the applicants allege that does not show/teach enlarged spacings between two adjacent pleats, what the examiner considered to be the two pleats which are adjacent being those pleats which surround or enclose adjacent openings/slots (31) and the enlarged spacing being defined by the pocket/space that each pleat formed between those two adjacent pleats defining the slots/openings (31), wherein in three of such pockets, there is a rod (30) passing through holes (35) formed in those pockets/enlarged spacing. In the figure 2 below, the arrows correspond to the enlarged spacing and the two adjacent pleats.



4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:30 A.M. to 4:30 P.M..

5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

M.S.O.

Walker
W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700